

MINNESOTA BOARD OF BARBER EXAMINERS  
MONDAY November 28, 2011

Minutes

Members Present: Frank Plant, Chair; Douglas Klemenhausen, Secretary; Jon Stone and Clarence Jones

1) Call to Order

The meeting was called to order at 8:00 am by Chair Plant

2) Approve Agenda

Motion to approve the agenda by member Klemenhausen second by member Stone, motion carried unanimously.

3) Approve Minutes

Motion to approve the minutes of the September 26, 2011 meeting of the Board by member Klemenhausen second by member Stone, motion carried unanimously.

4) Unfinished Business

A. Revised Forms – Form revisions were summarized by the Executive Secretary including: Changes to form titles, requiring addition of signatures, and revised student report forms and student certificate of completion forms for use by the schools. Motion by member Jones to approve revised forms seconded by member Klemenhausen motion carried unanimously.

5) Requests

A. Joseph Arrington – Extend Apprenticeship to be eligible for February examination. He had registered for the November examination however, the exam was full. Discussion included a statement by the Board Attorney that extending for examination appears appropriate. Motion by member Stone to extend Apprenticeship to the date of the February examination. Motion carried unanimously.

B. Gerald Grant and Towns Edge Salon/Barbershop- Letter requesting licensure without exam retake. License expired 12/31/2008 (Barbershop expired 6/30/2010). – Mr. Grants license was not renewed for the prior three years due to medical concerns. Asking to allow renewal without re-exam due to medical hardship. The Barber Rules do not include a hardship provision. Re-test is a part of statute. Motion by member Stone to deny the request due to the amount of time the license was expired, second by Jones, motion carried unanimously.

Lisa Carry arrived at the meeting late and was allowed to make a statement to the board regarding Gerald Grant's license. Lisa indicates that she is the current owner of the barbershop. Gerald has indicated that he is uncomfortable at his age in retaking the barber exam. Lisa would like to see his license renewed if possible.

After some discussion there was no new motion and the original motion was upheld.

- C. Mustaf Hagi, Requests to take Registered Barber Exam based on experience – Mustaf has submitted an application for reciprocity and examination. Discussion regarding ability to expedite these applications given the situation, and verification of experience and training, the board has allowed others to take the examination to verify experience. Motion by Jones to allow Mustaf to sit for the examination in February, second by Stone, motion carried unanimously.
- D. Melrow Combs, Failed exam seeking reconsideration of exam scores-Melrow addressed the Board regarding his failed exam due to short haircut in November, in May his haircut score was passing and written failed, in November written passed and haircut failed. He was questioned by member Stone regarding receipt of information regarding the haircut expectations prior to the exam, directions given at the time of examination, and his understanding of those directions. Melrow indicated he did receive directions. Motion by member Klemenhausen that the failure stands, second by Stone, motion carried unanimously.
- E. Darrell Turner- Seeks retest without additional 500 hours of education- Darrell addressed the board regarding his examination preparation and his education in general. Darrell failed the examination in May 2010. Darrell discussed the curriculum he was taught and the examination with board members and discrepancies.

The Board Chair recognized Terrie Mau from Moler Barber School to represent the school perspective regarding the examinations and curriculum.

Darrell's wife made a statement regarding Darrell's request that he would be able to pass the test by self-study and preparation.

Motion by member Stone that the 500 hours be required due to statute requirements and the amount of time between exam failure and request to the board, second by member Klemenhausen motion carried. . 3 Ayes, member Jones abstained

- F. John Bloom-Seeking credit for apprentice hours at a shop that has not been current on their license. The shop is now licensed. Mr. Bloom's petition for variance indicates that he was aware that the license was lapsed when he began working, he was informed by the board office when he turned in his form I that the hours would not be credited for the time the shop was unlicensed. Mr. Bloom was not present for the meeting. Motion by member Klemenhausen, second by member Jones to deny request to credit hours

6) Correspondence

No formal correspondence to the Board

7) Inspector Report

Report given by Inspector Lawson regarding inspections to date and current violations since the last report include: expired or no licenses, apprentices working without supervision by master barber and sanitation violations such as dirty implements and

countertops, tears and holes in upholstery of chairs, small holes in flooring etc. When violations include items that will take time and resources to repair the shops are given time and ask to submit evidence of compliance such as photos or to call the inspector for inspection. Most violations are remedied after a letter from the board others are referred to the complaint committee.

Member Stone ask if there is a requirement for an annual inspection. The statute does not specify annual inspections.

There was discussion regarding the inspectors schedule and when the inspector is in the metro vs out state etc.

## 8) Executive Secretary Report

### Licensure update

As of November 15, 2011

3288 Currently Active Licenses there is a slight increase from the last report. T

### Examinations

Board Examinations were held at the Moler Barber School on Monday November 7, 2011.

-34 barbers took the Master Exam 56% (19) passed and have received licenses.

#### Summary (some individuals represented twice)

4 of the failing individuals were taking the exam as part of reciprocity applications

4 were failed due to hair being too short

12 failed the written exam

-17 barbers took the Apprentice Exam and 94% (16) passed and have received licenses. 1 failed due to hair being too short

Overall 5 exams were scored with a 0 for the haircut due to the haircut being too short.

## Legislative Update

The Legislative Advisory Committee has met several times and proposes the following changes to statute be proposed to the legislature as a bill.

The Board reviewed the recommendations from the Advisory Committee, and approved the following items to be pursued during the legislative process. Items that have been lined out were not supported by the Board for the legislative proposal to be brought forward by the board.

The addition of penalty fees were discussed and will remain in the proposal at this time however, due process and the complaint and disciplinary process per other Statutes may result in the elimination of these fees as the process moves forward.

Items removed from the Committees proposal have been lined through below and included:

Allowing for a written only examination- The consensus of the Board is that the exam being given in its entirety is in MN Rule and the board may grant rule variance therefore allowing for flexibility when necessary.

Limiting a master barber to being named as manager in only one shop at a time. The statute states that barber shops must be under the direct supervision of a master barber. To limit the master to one shop only may cause difficulties for barbers working in more than one small community and the board is not in support of this recommendation.

#### 1. Fee Changes

- a. Rename Home Study Course to Home Study Guide reduce fee from \$95.00 to \$55.00
- b. Additional Fees
  - o Verifications \$25.00
  - o Renewal of Student Permit \$25.00
  - ~~o Written Exam Retake \$45.00 (one time only)~~
- c. Add Penalty fees:
  - o Re-inspection Fee \$100.00
  - o Unlicensed or lapsed barber shop license upon inspection \$500.00
  - o Unlicensed apprentice or registered barber upon inspection first occurrence \$500.00 each to shop owner, second occurrence \$1000.00 each.

There was board discussion regarding how to collect these fees

- ~~2. Registered Barber may only be named manager at one shop at a time~~
3. Changes to definition of barbering to clarify shaving of the face and neck and applying preparations etc...to the hair as well as scalp face or neck
4. Clarify that an apprentice who fails the registered barber exam must continue to practice as an apprentice for an additional 300 hours
5. Limit education hours being valid for 4 years and require an additional 500 hours of study if more than 4 years old.
- ~~6. Allow a written only retake of exam one time if written is only portion failed~~
7. Eliminate limit of not more than eight hours in any one working day in a barber school.
8. Make the start of 4 years of apprentice eligibility begin at time of first release for correctional school trained barbers.
9. Clarify the educational requirements for becoming a barber instructor
10. Eliminate requirement of Dept. of Ed. certification as it is no longer available
11. Add chemical waving to the curriculum description for clarification
12. Eliminate requirement for a picture and change to photo ID at exam
13. Schools to provide Board with an affidavit of hours completed at that school only, applicants will need documentation of hours at all schools if more than one attended to equal 1500 hours.
14. Notarized application to be proof of identity at time of application.
15. Eliminate language restricting MN from issuing license by reciprocity only

16. Require barbers to post a passport type photo with their license
17. Re-exam upon failure to renew for four years instead of one – Fees for unlicensed years required.
18. To reinstate barber shop license requires payment of reinstatement fees for all unlicensed years.
19. Change statement that municipalities may regulate from hours to business.- include location, ventilation and building requirements to what Municipalities may regulate by ordinance.
20. Addition of a section related to the use of the term “barber” and display of the barber pole for licensed barbers only:

No person shall, hold himself or herself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop; use the title or designation “barber” or “barbershop”; engage in any other act or practice which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop, unless the person holds, as appropriate, a license as a barber or a license to operate a barbershop issued by the Board pursuant to this chapter.

No person shall place a barber pole in a location which would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the operator of the business holds a license to operate a barbershop issued by the Board pursuant to this chapter

As used in this subsection, “barber pole” means:

- (a) A red and white striped vertical cylinder with a ball located on top of the cylinder; or
- (b) Any object of a similar nature, regardless of its actual shape or coloring, which would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.

Motion by member Stone second by member Klemenhausen to move forward with legislative proposal including the above items, motion carried unanimously.

Next steps –

- Notify the Legislative Committees of our intent to introduce changes
- Find legislative sponsors for the bill and move forward to hearings and the legislative process. (There may be additional changes in this final phase of drafting)
- Send the proposed language to the Revisor for formal drafting.
- Prepare fiscal notes related to fee changes and overall fiscal impact of the proposal

#### SWIFT Accounting system and required accounting audits

- The state moved from the MAPS to SWIFT accounting system as of July 1, 2011
- Due to the State shutdown this change actually happened after the shutdown with budgets being loaded into the SWIFT system August 1.

- The SWIFT accounting system does not provide the same level of revenue and expenditure reporting that the MAPS system did. This results in some difficulty with auditing the Board's financial accounts. New reports are being worked on with a December target date for reporting to be available.
- As a result the Auditing procedures will be changing.
- During the transition we are keeping internal track of revenue and expenses via spreadsheets
- A full audit of the accounts will be completed as soon as possible
- New procedures to be identified and documented when the reports are finalized.
- The Legislative Auditor's office has been made aware of the difficulties.

#### Policies and Procedures

A. Verification of Payroll and Human Resources Transactions

#### Current Revenue and Expense Reports

#### Customer Service Position

A. The Customer Service Position has been filled as a permanent full time position and Donna Maki has been offered and accepted that position.

#### 10) New Business

- A. Request for Reciprocity Agreement with Arizona  
Motion by member Stone to approve the reciprocity agreement with Arizona, second by member Klemenhausen, motion carried unanimously
- B. Charity Shaving Event at Kiehl's Store at the Mall of America  
Motion by member Klemenhausen to approve the event as presented, second by member Stone, motion carried unanimously.

#### 11) Meeting Schedule

##### Scheduled Board Meetings

January 9, 2012 – Conference Room A  
March 26, 2012  
May 21, 2012

##### 2012 Meetings to be determined

July 2012  
Sept 2012  
Nov 2012

Committee and other Meetings – Scheduled as needed

#### 12) Closed Session

13) The Board Chair closed the session at 9:50am to consider the rule variance petition of Victor Burks including confidential personal information.

The Board Chair reopened the meeting at 9:53am. Mr. Burks variance petition was approved during closed session by a unanimous vote of the Board.

14) Adjournment

Motion by member Jones to adjourn the meeting at 9:55, second by member Stone, motion carried unanimously.